

United States District Court

for the

Eastern District of New York

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

IN CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
MAY 1 7 58

Name of Offender: Mario Martinez

Case Number: 05 CR 525-01 P.M.

Name of Sentencing Judicial Official: The Honorable Dora Irizarry, U.S. District Judge

Date of Original Sentence: February 3, 2006

Original Offense: 21 U.S.C. 952(a) and 960(b)(3), a Class C Felony

Original Sentence: Time served (four days) and 5 years supervised release with special conditions requiring the defendant to participate in substance abuse and mental health treatment programs. He was also directed to complete his GED and pay a \$100 special assessment fee.

Type of Supervision: Supervised Release

Date Supervision Commenced: February 3, 2006

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant shall participate in the home detention program for 4 months, commencing on a date to be determined by the Probation Department. During that time, the defendant will wear an electronic monitoring device and follow electronic monitoring procedures. The cost of monitoring are waived at this time. The defendant will remain at his place of residence except for employment and to attend treatment and religious services, and other activities approved in advance according to a schedule to be specified by the Probation Department.

RECEIVED
in Chambers of:
U.S. District Judge
DORA L. IRIZARRY

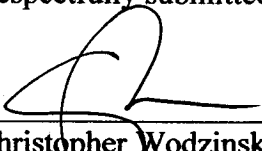
MAY - 8 2006

CAUSE

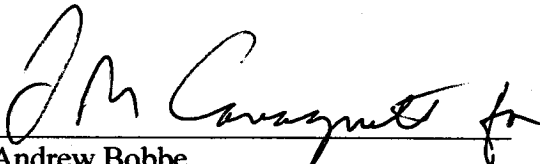
The Probation Department respectfully submits this modification request to formalize the oral decision made by Your honor during a status hearing on May 2, 2006. The modification was ordered in response to the offender's use of cocaine; and, he is scheduled to commence his term of home confinement on Friday, May 5, 2006.

Attached is the requisite Probation Form 49 in which the offender consents to the proposed modification.

Respectfully submitted by:



Christopher Wodzinski
Senior U.S. Probation Officer

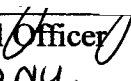


Andrew Bobbe
Senior Deputy Chief U.S. Probation Officer
Date: 5/5/06

THE COURT ORDERS:

- ☒ The requested special condition is approved
- ☐ Other _____

Signature of Judicial Officer
U.S.D.J. E.D.N.Y.



Date
May 11, 2006

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P.02

United States District Court

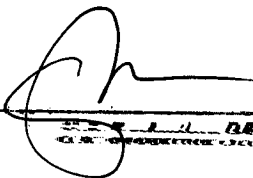
Eastern District of New York

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any change may be made in my Conditions of Probation and Supervised Release or my period of supervision is extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the proposed modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in the home detention program for 4 months, commencing on a date to be determined by the Probation Department. During that time, the defendant will wear an electronic monitoring device, follow all electronic monitoring procedures. The cost of monitoring is to be waived at this time. The defendant will remain at his place of residence except for employment and other activities approved in advance by the Probation Department. The defendant agrees to a schedule to be specified by the Probation Department.



Signed


 Probationer or Supervised Releasee

05-02-06

Date

TOTAL P.02